

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1 and 3-7 are pending, Claim 2 having been canceled, and Claims 1 and 5 having been amended, consistent with 35 U.S.C. § 112, second paragraph.

In the outstanding Office Action Claims 1 and 5 were rejected under 35 U.S.C. § 112, second paragraph; Claims 1 and 5 were rejected as being anticipated by Olschwang (U.S. Provisional Patent Application No. 60/452,526, hereinafter Olschwang); Claims 3, 4, 6 and 7 were rejected as being unpatentable over Olschwang in view of Kallas (U.S. Patent No. 6,778,653, hereinafter Kallas).

In reply, Claims 1 and 5 have been amended consistent with 35 U.S.C. § 112, second paragraph. Also, the “tone information” language relates back to the tone information language user earlier in the claims. However, if the Examiner disagrees the Examiner is invited to telephone the undersigned so that mutually agreeable claim language may be identified.

Independent Claims 1 and 5 have been amended to further distinguish Olschwang. In particular with regard to Claim 1 the tone information recording means, among other things, relates (1) the calling-terminal specifying information, (2) the called-terminal specifying information and the tone information, (3) and time information indicating time when user talked through the communication terminal, with each other in storing these pieces of information in the past-record information storing means. Then the past-record transmitting means transmits this information. Olschwang simply does not teach or suggest this feature.

In paragraph 11 of the Office Action, the Office explains its rationale for why it

believes Olschwang fairly discloses the claimed past-record selecting means for selecting information corresponding to the calling-terminal specifying information and being stored in the past-record storing means in accordance with the received disclosure request. Applicants traverse the assertion that Olschwang provides a fair teaching of this feature. The Office Action relies on section 4.24 of Olschwang to support its contention that this feature is found in Olschwang. Section 4.24 of Olschwang is directed to a content proxy (CPX). A content proxy is a server (a computer system or application program) that services the request of clients for forwarding requests to other servers. The client connects to the proxy server requesting some service such as a file that is available from a different server. The proxy server provides the resource by connecting to the specified server and requesting the service on behalf of the client.

Olschwang uses the content proxy for “content administration and maintenance”. It also serves as a content locator for all content clients and is responsible for interacting with the system backup for content updates. This description, as far as Applicants can discern, teaching nothing about a past-record selecting system for selecting information corresponding to the calling-terminal specifying information and being stored in accordance with the received disclosure request.

The outstanding Office Action asserts that Olschwang at paragraph 4.2.4 describes a technology that transmits audio contents and content related information. However, there is no teaching or suggestion that such audio contents and content related information includes time information indicating time when a user talked through the communication terminal, as presently claimed. Consequently is believed that this is yet another reason why it is believed

that independent Claims 1 and 5, as amended patentable define over Olschwang.

The Office Action particularly points to the language “the CPX functions as the proxy for the content from the content management platform, providing both audio content and content related information to end-users”. The Office Action apparently is construing this language to indicate that the CPX is able to select information corresponding to a calling terminal specifying information that has previously been stored in accordance with the received disclosure request. Olschwang clarifies that “this proxy component has similar functions to the back-end storage unit, but only stores a subset of the content management platform music content and related information”. As such, this merely indicates that the function described for the CPX regarding the proxy for the content and providing content to end users is that it mimics the back-end storage unit for a subset of the data. This does not teach or suggest a function of selecting information corresponding to a calling terminal specifying information that is stored in a past-record storage mechanism in accordance with a received disclosure request. Furthermore, this does not teach or suggest that in Olschwang, the past-record transmitter transmits time information time when a user talked through the communication terminal. As such it is respectfully submitted that the past-record selecting means is not fairly taught in Olschwang and as a consequence does not anticipate Claim 1. For similar reasons it is respectfully submitted that Olschwang does not anticipate Claim 5.

Kallas does not cure the deficiencies discussed above with regard to Olschwang as Olschwang was applied in the Office Action to Claims 1 and 5. As a consequence it is respectfully submitted that as such Kallas cannot cure the deficiencies with regard to Olschwang for dependent Claims 3, 4, 6 and 7.

Consequently, in view of the present amendment and in light of the foregoing

comments it is respectfully submitted that Claims 1 and 3-7, as amended, is definite and patentably distinguishing over the prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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